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Lead Counsel for the Class

Counsel for Lead Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICHARD GREGORY, On Behalf of Himself)
and All Others Similarly Situated,)

Plaintiff,)

vs.)

CHIRON CORPORATION, HOWARD H.)
PIEN, JOHN A. LAMBERT and DAVID V.)
SMITH,)

Defendants.)

Case No. C-04-4293-VRW

CLASS ACTION

STIPULATION AND ~~[PROPOSED]~~ ORDER
RE TELEPHONIC PARTICIPATION BY
GEORGE A. BAUER III AT HEARING FOR
PRELIMINARY SETTLEMENT
APPROVAL

WHEREAS, on March 29, 2007, the Stipulation and Agreement of Settlement (the “Settlement Stipulation”) was executed by the parties;

WHEREAS, on May 4, 2007, Plaintiff filed the Settlement Stipulation and the Motion for Preliminary Approval of the Proposed Settlement, the Proposed Plan of Allocation, and Attorneys’ Fees and Reimbursement of Expenses (“Preliminary Approval Motion”);

WHEREAS, the Preliminary Approval Motion is scheduled to be heard before this Court on August 2, 2007, at 2:00 p.m.;

WHEREAS, George A. Bauer III, a partner with the law firm of Milberg Weiss & Bershad LLP, Plaintiff’s Lead Counsel, participated in negotiating and documenting the terms of the Settlement;

WHEREAS, Mr. Bauer is unable to physically attend the hearing on the Preliminary Approval Motion due to health issues affecting his ability to travel; and

WHEREAS, Jeff S. Westerman and/or Elizabeth P. Lin of Milberg Weiss & Bershad LLP will be physically present at the hearing on the Preliminary Approval Motion but wish Mr. Bauer to also participate by telephone;

NOW, THEREFORE, the parties stipulate and agree, as follows:

1. Mr. Bauer may participate in the Preliminary Approval Motion on August 2, 2007, at 2:00 p.m. by telephone; and
2. Plaintiff’s Lead Counsel shall make arrangements for the telephonic participation of Mr. Bauer.

IT IS SO STIPULATED

DATED: June 7, 2007

MILBERG WEISS & BERSHAD LLP
JEFF S. WESTERMAN
ELIZABETH P. LIN

/s/ Elizabeth P. Lin
ELIZABETH P. LIN

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Counsel for Lead Plaintiff

DATED: June 7, 2007

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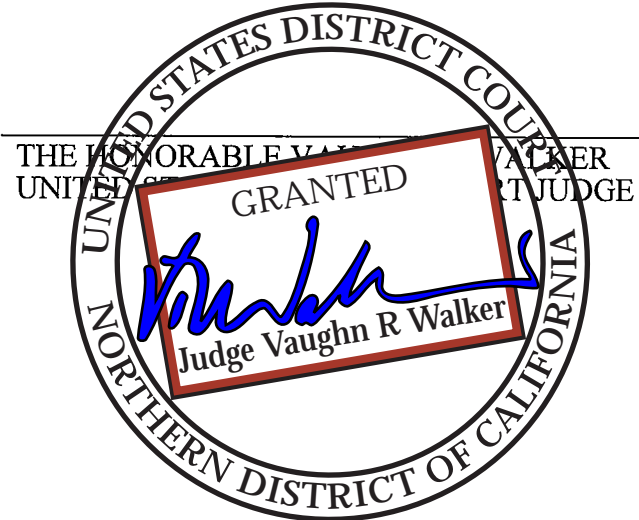
Attorneys for Defendants

ORDER

Having read and considered the parties' Stipulation and [Proposed] Order re Telephonic Participation by George A. Bauer III at Hearing for Preliminary Settlement Approval,

IT IS SO ORDERED.

DATED: June 15, 2007



DECLARATION OF SERVICE BY MAIL

I, the undersigned, declare:

1. That declarant is and was, at all times herein mentioned, employed in the County of Los Angeles, over the age of 18 years, and not a party to or interest in the within action; that declarant's business address is One California Plaza, 300 South Grand Avenue, Suite 3900, Los Angeles, California 90071-3149.

2. That on June 7, 2007, declarant served the STIPULATION AND [PROPOSED] ORDER RE TELEPHONIC PARTICIPATION BY GEORGE A. BAUER III AT HEARING FOR PRELIMINARY SETTLEMENT APPROVAL by depositing a true copy thereof in a United States mailbox at Los Angeles, California in a sealed envelope with postage thereon fully prepaid and addressed to the parties listed on the attached Service List.

3. That there is a regular communication by mail between the place of mailing and the places so addressed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 7th day of June, 2007, at Los Angeles, California.

/s/ Ann Marie Genovese
ANN MARIE GENOVESE

CHIRON CORPORATION
SERVICE LIST

Counsel for Plaintiffs

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